

06-06-02

H3 T.D. J.P. S
PATENT

Practitioner's Docket No.: BTI-19



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The application of: **Michael L. Weiner et al.**

Application No.: **10/077,932**

Confirmation No: **7097**

Group No.:

Filed: **2/19/2002**

Examiner:

For: **"An Electromagnetic Interference Immune Tissue Invasive System"**

Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: **EV 092247776 US**

Date of Deposit: **6/5/02**

I hereby state that the following attached paper or fee:

Certificate of Express Mailing

Petition for Extension of Time-1 Month

Transmittal Form

Newly executed Declaration

Transmittal of Formal Drawings

58 sheets of Formal Drawings

Copy of "Notice to File Missing Parts of NonProvisional Application"

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Fee Transmittal

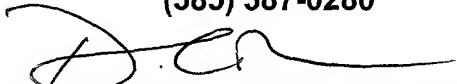
Check for \$120.00

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

PERSON MAILING THE APPLICATION:

Greenwald & Basch LLP
349 West Commercial Street
Suite 2490
East Rochester, New York 14445
(585) 387-0280

SIGNATURE OF MAILER:



Howard J. Greenwald, Esq. (Reg. No. 24,247)
 Duane C. Basch, Esq. (Reg. No. 34,545)
 Suzanne T. Stockman
 Dollie C. Masters
 Other: _____

Please type a plus sign (+) inside this box →

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

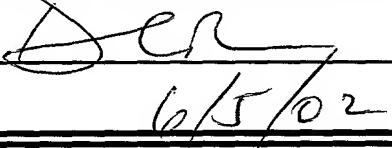
		Application Number	10/077,932
		Filing Date	2/19/2002
		First Named Inventor	Michael L. Weiner
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	10+	Attorney Docket Number	

BTI-19

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> See 1 in Addendum
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	In response to NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, dated 3/26/2002, applicant herewith encloses 1) the DECLARATION, newly dated and signed by each inventor, 2) a check for \$65.00 for the surcharge for late filing of the DECLARATION, and 3) fifty-eight sheets (58) of substitute drawings in compliance with 37 CFR 1.84. Also enclosed is a Petition for Extension of Time to extend the deadline for reply for one (1) month from 5/26/2002 to 6/26/2002 under the provisions of 37 CFR 1.136 (a) and a check for \$55.00 for the Extension Fee. If any additional fees are required, please deduct from Deposit Account 50-1706.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

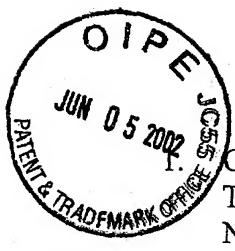
Firm or Individual name	Duane C. Basch # 34,545; Greenwald & Basch LLP	
Signature		
Date	6/5/02	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name		
Signature	Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Attachment to (PTO/SB/21) Transmittal Form (continued)

Certificate of Express Mailing

Transmittal Form

Newly dated and signed DECLARATION

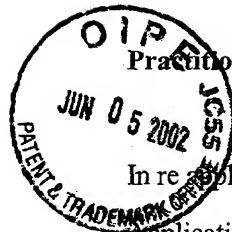
Transmittal of Formal Drawings

Copy of NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Return Postcard

Check for \$120.00

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Practitioner's Docket No. BTI-19

#3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael L. Weiner et al.

Application No.: 10/077,932

Confirmation No: 7097

Group No.:

Filed: 02/19/2002

Examiner:

For: "An Electromagnetic Interference Immune Tissue Invasive System"

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF FORMAL DRAWINGS

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, mailed on **March 26, 2002**, attached please find:

(a) the formal drawing(s) for this application.
Number of Sheets: **58**

Each sheet of drawing indicates the identifying indicia suggested in Section 1.84(c) on the reverse side of the drawing.

(b) a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.

Date: 6/5/02

Duane C. Basch
Registration No. 34,545
Greenwald & Basch LLP
Suite 2490
349 West Commercial Street
East Rochester, NY 14445
US
585-387-0280
Customer No. 27157

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. section 1.10 (c))

Express Mail Label: EV 092247776 US

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date: 6/5/02

Duane C. Basch
(type or print name of person mailing paper)

Signature of person mailing paper

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FREE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known

Application Number	10/077,932
Filing Date	February 19, 2002
First Named Inventor	Michael L. Weiner
Examiner Name	
Group Art Unit	
Attorney Docket No.	BTI-19

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-1706**Deposit Account Name **Greenwald & Basch LLP** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status See 37 CFR 1.272. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION

3. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

4. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =		
Independent Claims	-3** =		
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

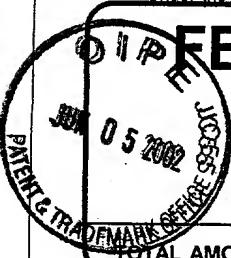
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	55.00
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	120.00

Complete if Known

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Duane C. Basch	Registration No. (Attorney/Agent)	35,545	Telephone 585-387-0280
Signature	<i>DCB</i>			Date 6/5/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



FEET TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known

Application Number	10/077,932
Filing Date	February 19, 2002
First Named Inventor	Michael L. Weiner
Examiner Name	
Group Art Unit	
Attorney Docket No.	BTI-19

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Deposit Account Number **50-1706**
Deposit Account Name **Greenwald & Basch LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
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107 510	207 255	Plant filing fee	
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114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =		
	X		
	=		

Independent Claims	Extra Claims	Fee from below	Fee Paid
	-3** =		
	X		
	=		

Multiple Dependent	Extra Claims	Fee from below	Fee Paid

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
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141 1,280	241 640	Petition to revive - unintentional	
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179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
		Other fee (specify)	

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 120.00)

SUBMITTED BY

Name (Print/Type)	Duane C. Basch	Registration No. (Attorney/Agent)	35,545	Telephone	585-387-0280
Signature				Date	6/5/02

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/077,932	02/19/2002	Michael L. Weiner	BTI-19

27157
GREENWALD & BASCH, LLP
SUITE 2490
349 WEST COMMERCIAL STREET
EAST ROCHESTER, NY 14445



CONFIRMATION NO. 7097

FORMALITIES LETTER



OC000000007719842

Date Mailed: 03/26/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

5/11/2002 NM0HAMM1 00000005 10077932

2 FC:205

65.00 DP

A copy of this notice MUST be returned with the reply.

Docketed

MDuong



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY